



"PROTECTING THE RIGHTS OF
PERSONS WITH DISABILITIES"

**PROTECTION & ADVOCACY
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**STATEMENT BY MICHIGAN PROTECTION & ADVOCACY
SERVICE, INC. ON ASSISTED OUTPATIENT TREATMENT (AOT)**

Michigan Protection & Advocacy Service, Inc. (MPAS) is Michigan's protection and advocacy program, mandated to serve persons with disabilities in the Great Lakes State.

"Assisted outpatient treatment" (AOT) allows a court to order a person to submit to medical treatment against their wishes. As such, it is a significant limitation on individual rights and must be applied only with great care. In order to protect the rights of people with mental illness, laws providing for assisted outpatient treatment should:

- * Provide fully-funded community services and a full range of appropriate and less intrusive options to prevent the need for AOT.
- * Give courts direct, unequivocal authority to order the provision of community-based services alongside any order that compels a person to accept those services.
- * Include a presumption that a person's wishes expressed in a person-centered plan or advance directive be honored, absent clear and convincing evidence that the person did not understand the plan or directive when completing it.
- * Ensure swift and robust due process protections for individuals, including the right to appointed counsel, right to independent evaluation, and right to a prompt hearing. Current law provides for a commitment hearing within 7 days of commitment.
- * Define "person requiring treatment" as narrowly as possible to achieve the goals of treatment and avoid overbroad, inappropriate use of AOT.
- * Collect data on how changes in the law affect the rate of civil commitment.
- * Address issues raised by the March 2015 MHAM survey of probate courts and CMHSPs before changing the substantive reach of the current AOT law.

For more information, please contact Mark McWilliams at (800) 288-5923 or mmcwill@mpas.org.